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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10 **JUANA MORENO, et al.**

11 **Case No. 1:23-cv-00449-SAB**

12 **Plaintiff,**

13 **ORDER DENYING SECOND NOTICE OF**
14 **VOLUNTARY DISMISSAL AS**
15 **PROCEDURALLY IMPROPER**

16 **v.**

17 **(ECF No. 23)**

18 **UNITED STATES OF AMERICA,**

19 **Defendant.**

20 **DEADLINE: FEBRUARY 28, 2024**

21 On March 24, 2023, Plaintiffs Juana Moreno, Veronica Moreno, George Moreno, Diego
22 Moreno, Cristina Moreno, Nancy Moreno, and Gabriel Moreno filed this action against
23 Defendants United States of America, United Health Centers of the San Joaquin Valley, and
24 Amarjot Rai, M.D. (ECF No. 1.) On May 31, 2023, the United States filed a motion to dismiss
25 Defendants United Health Centers of the San Joaquin Valley and Amarjot Rai, M.D. for lack of
26 subject matter jurisdiction. (ECF No. 12.) On June 7, 2023, Defendant United States filed an
27 answer to the complaint. (ECF No. 14.) Following Plaintiffs' non-opposition to Defendant
28 United States' motion to dismiss, the Court granted the motion on July 11, 2023. (ECF No. 16.)
On February 13, 2024, Plaintiff George Moreno filed a notice of dismissal requesting the Court
dismiss him from the action without prejudice. (ECF No. 13.) The filing did not cite any Federal
Rule of Civil Procedure, is only signed by Plaintiff George Moreno and his counsel. The Court
denied Plaintiff's notice of voluntary dismissal without prejudice as procedurally improper

1 because Defendant United States did not stipulate to the dismissal. (ECF No. 22.)

2 On February 16, 2024, Plaintiff George Moreno refiled a notice of dismissal. (ECF No.
3 23.) The second notice of dismissal does not conform with Rule 41 because it is not a signed
4 stipulation by all parties who have appeared, and it is not a motion under Rule 41(a)(2). If
5 Plaintiff wishes to dismiss this action, he is required to comply with the procedures set forth in
6 Rule 41 by filing a stipulation that complies with Rule 41(a)(1)(A)(ii) or a motion under Rule
7 41(a)(2).

8 Accordingly, Plaintiff's notice of voluntary dismissal is HEREBY DENIED without
9 prejudice as procedurally improper for the same reasons addressed in the Court's February 14,
10 2024 order (ECF No. 22). Plaintiff shall file a request for dismissal that complies with Rule 41
11 **no later than February 28, 2024.**

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13 IT IS SO ORDERED.

14 Dated: February 16, 2024



UNITED STATES MAGISTRATE JUDGE

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